5754

App. F. IX-4

Previous References

SfA. 225-39(1-4)
" Dep/186-38.

1938-9
(SfA)

File No. 395-38
Serial Nos. 1-4

Letter References
SfA Dep. 29 of 1939
SfA 4-39(4-8)
SfA dep 118/44
SfA Dep. 224/47
SfA Dep 223/48

PRESERVED

Preserve

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Jan

Part B for March 1939

SUBJECT.

Prayer of Mr N. T. Gopalaengar
Retired District Judge, for retention
of Mansion Cumbli

C(4) To Mr N. T. Gopala Iyengar.

WD 0296—GPB—22,500—VB/8.37

M 1093 & 17 3/85

Express Li Hab the rules
in this book are contained
in Appendix I of the Mysore
Civil Regulation. Copies of which
with amendments are available for
sale in the Govt. Central Book Dep.

25/4/39

Serial No.

Re presentation dt 27.1.1939 from Mr: N.T. Gopalan Iyengar, Retd: District Judge, praying that the portion of the pension commuted by pensioners may be restored if they have lived for 15 years after commuting their pension & (ii) a Committee may be appointed to investigate into the grievances of those pensioners whose pensions are commuted & after restoration the cut after going into the report of the Comm:

1) Said: The request of Mr: Gopalan Iyengar is untenable as per Rule 13 of the rules governing the Scheme of Commutation of pensions (Please see Appendix L of the M.S.R.): "the portion of the pension commuted cannot be restored on refund of the capitalized value it is a permanent 'cut' in the pension. Mr: N.T. Gopalan Iyengar has many times before prayed for the restoration of his pension & this request was rejected - (Please see flag B)

S.H.A. Dep: 16.36.

2) Certain other pensioners had some time back urged the restoration of their pensions also on Comm but their prayer also was rejected (vide H: A in S.H.A. Dep: 86.38)

3) The request does not, perhaps seem to

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-83

2

File No. of 193 . | General and Revenue Secretariat

merit Convocation in view of the fact that the Govt. cannot undertake to go into the question of the economic condition of its pensioners. The his requests may perhaps be rejected. Subd: with refers for orders.

1/24

2) Reference is invited to the Fin Secretary's minute d 8.11.38, explaining the principles governing the Scheme of Commutations in connection with a similar representation.

3) The Commutation is allowed only in cases where it is expected to be to the decided advantage of the pensioner and ~~all~~ who individual abuses this Concession (which he need not have availed of) ~~has derived no~~ is not entitled to complain that the Scheme has done harm! Mr N.T. Gopala Iyengar got Rs 77-12-0 of his pension commuted and drew a sum of Rs 10,488. This large capital investment together with the balance of his pension of Rs 233-4-0 might ~~be utilised~~ well have been utilised to his best advantage. ~~Even if he gets a full amount of pension~~ In his application for commutation of pension in 1920 he declared that it would be to his distinct a permanent advantage.

H.E

Prayer of Mr. N.T. Gopaliengar for restoration of pension. Commuted.

2616

Serial No.

b) The question of examining whether the Scheme has been on the whole beneficial and of abolishing it, is a different matter. So far as Mr. Gopala Iengar is concerned, he has enjoyed the benefit of the Commutation and his prayer for restoration of the commuted amount is ~~already~~ ~~not~~ ~~entertainable~~, nor is there any need to act on his suggestion that a small committee may be appointed to investigate the "grievances" of these petitioners. [Even after commutation he is getting a fairly large amount of pension Rs 233-4-0] GPR 2-2-39

Fin Sy

)) I agree with the above views. Mr. Gopaliengar has given a fresh letter to me which is also put up. He thinks that because he has lived long he has suffered in emoluments. On the other hand, because he has lived long he is able to draw the remaining pension for a longer period. The whole question has been dealt with in my note dated 8th November 1938, seen by the Dewan(Flag A). As stated therein, the commuted value of pension is calculated with reference to the mortality table and there may be losses in particular individual cases and gain in all other cases; and sanction of compensation in the former cases is not desirable or correct in principle. Mr. Gopaliengar will therefore be informed that his

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-83

5

Commutation of pensio..

File No. 2616/Fr of 193

General and Revenue Secretariat

requests cannot be complied with.

Dewan) 10.2.39

5743

10-2-39

11.2.39

Subd: with a DO Endt..

13.2

13/2

Fin Secy)

done 13/2

W:71:5540 Dt. 12-2-1939.

To. Mr. N.T. Gopala Menon,

Subd: Dist: Judge. Shankarapuram

Informs him that it is not possible to grant his requests.

Letter of 870/39 from Mr. N.T. Gopalamenon

Requests that a copy of the rules & provisions in respect of Commutation of pensions may be furnished to him if he pays an honorarium of Rs. 5 for the cost of the same.

If approved the gentleman's attention will be invited to Appendix B of the Rules containing the rules on the subject. Rule 13 is practically on point raising what is in P.W.D A. the endorsements is

TYPING SECTION 14 FEB 1939 GEN. & REV. SECTT.

Dep. 13/2

Serial No.

is proposed accordingly
Es/3/M

Please put up a draft letter
CPR 13/3

Draft letter is submd
14/3.

For approval
CPR 15/3

Fwd Sy)
AA/16.3.39

Done CPR

Please send for
Copy [illegible] for Superintendent
CPR

4) 2. Mr. V. D. Gopalaswamy Iyengar
no 6050 of 17/2/39
Informs him that ~~Copies of~~ the rules in this behalf are contained in Appx. I of the Book which could be had at the Central Book Depot Bangalore

TYPING SECTION 16 MAR 1939 GEN. & REV. SECTS.

B
Yma
Engs.

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-38

7, Third Cross Road,
Shankarapuram,
Basavangudi, P.O.,
27th January 1939.

Dear Mr. Murphy,

I am sending along with this a memorial to His Excellency the Governor-General regarding the orders in the ordinary course.

He has spent a strenuous fortnight or even a month in connection with the Viceroy's visit regardless of his own health or peace of mind. The Vicersgal post-prandial speech though full of encomiums was disappointing in that there was no final pronouncement regarding the retrocession of the C & M. Station, or the complete remission of the subsidy. Perhaps those two questions are still under consideration in view of the rebellious spirit evinced by some residents of the Cantonment area.

Our Dewan has succeeded in obtaining remission of more than half of the Penal subsidy, and I trust the almighty will crown his laudable and selfless efforts to wipe it out completely with success in the near future.

I regret that the Dewan is again worried by the insincere speeches and hostile actions of the self-styled patriots, the Congressmen. With his accurate and calm judgment, I believe His Excellency will be able to combat their mischievous activities without calling in outsiders to mediate or any drastic action being taken against these traitors.

Though I hesitated to approach the Dewan with a personal memorial in this opportune season, the

sufferings which I and men of my helplessness are exposed to, have become so intolerable that it has become a dire necessity to seek immediate relief from our sympathetic and generous Dewan and his Government.

I am encouraged by the indomitable courage and persistence of His Excellency's example in urging before the Government of India, our state claims for relief, to once again appeal to our benign Government to relieve the self-sought miseries of us, the old pensioners of the State, who have lived very long and have lost their all, by accepting commuted amounts and deprived themselves of the benefits of their full pensions.

I submit that no delay was feasible as the pinch of my stomach has become intolerable as evidenced by a slip submitted for perusal and obliging return.

Thanking you in advance for submitting my memorial to His Excellency at an opportune moment for his personal perusal,

Yours Sincerely,

K. T. Gopalaswamy

Retired District Judge,
Bangalore.

To

Charles Todhunter, Esqr.,
M.A.,
Private Secretary,
to the Dewan of Mysore,
Bangalore.

67, Third Cross Road,
Shankarapuram,
Basavanagudi P.O.,
27 January 1939.

Amin-ul-Mulk
Sir Mirza Mahomad Ismail, Kt., B.A., K.C.I.E., C.B.E.
Dewan & President, Executive and Legislative
Councils of the Government of Mysore,
Bangalore.

An humble memorial of a Government Pensioner
T.T.Gopalaiengar, (Retired District Judge
of Bangalore).

Your Excellency,

I have on three previous occasions represented to the Government my sufferings for having availed myself of the so-called benefits of the rules relating to the commutation of Pensions more than 18 years ago. The Government were not pleased to reconsider my representations with favour and curtly told me that my prayer for restoration of the cut of a fourth of the pension granted to me could not be reconsidered.

I submit herewith two Telegraphic reports of the 'Hindu' relating to the abolition of the commutation of pensions by the Government of Madras. Our Government perhaps, is already aware of the orders passed by the Madras Government recently. I am emboldened thereby to approach you once again for relief and justice being done to me, before I cease

The benign Government of Mysore adopted in their Civil Service Regulations, the system of granting pensions to their servants, who faithfully after serving the Government for a long term of years retired at an advanced age. It was purely an act of mercy on the part of the Government to grant pensions to their hard-worked officials, who devoted the best years of their lives to serve the Government. By such sympathetic consideration, the Government have hitherto saved their quondam servants and their families from penury and starvation in their disabled old age.

I believe that the same generous considerations actuated the Government recently to adopt the commutation Rules so as to enable their retired servants either to invest such lumpsum commuted amounts in business or other profitable concerns and thereby earn more for their families after quitting service. Our Government, may perhaps, have been also aware that most of the retired officials had reduced themselves to be indebted at the fag end of their official career and they believed that if commutation be granted to such officials, they could escape the clutches of their creditors and lead happy lives after paying off their debts.

I submit that only some of the Officers of the Government who drew high salaries have been

able to re-invest the commuted amounts of their pensions, taking advantage of the good intentions of the Government to help their poorer officials. Most of the pensioners like myself have lost the entire lumpsum grant made to them. Not only that, we have reduced ourselves to such a condition as to find that we could not live with two square meals a day.

If indebted pensioners who were unable to pay their debts during service, they could at least have hoped to escape harassment by their creditors as the latter could not legally attach pensions. Whereas, honest debtors like myself have voluntarily enabled the creditors to get our pensions by paying off the debts due to the latter, out of the commuted amounts, and thus lost the benefits provided by law, safe-guarding the pensions from attachment.

The commutation rules have worked as a hardship in another direction. When granting commutations, the lumpsum amount granted to a pensioner is calculated on the expectation of the applicant living (as ascertained by the Medical Officer) to a term of 10 years or more or less. If unfortunately, as in my case, it happens that a pensioner lives longer than ten years, (I have out-lived for nearly 19 years after retirement) the rule of over-all calculation works as a cruel handicap. There is no reason, why even after the commuted amount is fully realised by the Government after ten years, the pensioner should

not be allowed to get a restoration of his full pension.

I am informed that the Government have made a tacit rule, of which, we pensioners, are not aware, and are not notified when applying for commutation, that for compensating for the losses incurred by the Government by some pensioners dying earlier than 10 years or thereabouts, those who live longer have to lose the benefit of restoration of a cut of a fourth of the pension of the long-lived persons.

I submit that there is another aspect judging from which the pensioners suffer for no fault of their own. Perhaps, the Government grant commutations on the same principles as Insurance Companies, namely the joint and collective liability rule. I submit that Insurance Companies are guided in their framing the rules with a view to gain a profit as commercial concerns; whereas, the Government seeks no profit for themselves and the system of commutation is intended solely to benefit their retiring servants. Such generous intention of the Government is defeated by the forfeiture of a fourth of the pension for all time to come.

As a Lawyer myself, I cannot understand how such joint and collective liability can be imposed upon the poor longer-

longer-lived men, who for no fault of their own lose the benefit they are entitled to on an equitable consideration. It may be argued that when applying for commutation, the pensioner has agreed to forego a fourth of his pension. - True. In most cases a pensioner, applies for commutation under distressing circumstances. If the Government do please to enquire into each case this will become evident, as in my deplorable case. The Government should not, I submit, take the position of a creditor and insist upon a pensioner being bound by his undertaking to forego a fourth of his pension for ever.

It could never have been the intention of the Government to profit by the helplessness of their quondam servants. I respectfully submit that the Government who have established courts of Justice to administer law tempered with equity and mercy, should themselves shew similar consideration in the case of this helpless class of their hard-worked, retired officials. What they have willingly and generously given with their outstretched right hand, the Government should not take away with their left. These considerations, I respectfully beg to submit, justify the complete abolition of the system of commutation as having completely failed in achieving the good intentions of the Government. It would be a mercy on the part of our Government, to cancel the commutation rules, as ordered by the Government of Madras.

What about the pensioners of those whose

whose pensions are already cut down?

Several pensioners quite unknown to me have urged on me to once more represent the hardships caused by the commutation rules. Though I hold no brief for them, I appeal to the Government on my own behalf to treat my special case as an exception and restore my cut, if they feel unable to grant a general amnesty to all pensioners who have lived longer than 15 years after retirement. The Government will by so limiting the period will no only have recovered the advances made, by them, to pensioners but also interest thereon, equal to half of the sum so paid in a lumpsum.

Our benign Government have started several measures of relief to alleviate the miserable conditions of the working classes, agriculturists and the unemployed. We, Pensioners are disqualified by advanced age and poverty-stricken condition to earn again so as to make both ends meet. Are we not therefore entitled to generous protection of our Government? As our generous head of the administration, I approach you for relief for myself and appeal on behalf of my brother retired officials, similarly circumstanced as myself. If deemed proper, I respectfully suggest that the Goverment may appoint a small committee to investigate into the grievances of those pensioners, whose pensions are commuted, and after considering the report of the committee restore

the cuts of those pensioners who deserve to be helped by the Government as a special case, unless it is not feasible to extend the same exemption to all the pensioners of over 15 years standing. You will by granting such relief set a generous example to the British Government and earn the gratitude of us - old men.

For which act of merciful generosity, I along with the other retired, hare-brit body of pensioners will ever pray.

Your humble and much aggrieved servant,

N. T. Gopalaiyar
alo ait Judge
Shankaranpuram.

[redacted]UTATION OF PENSIONS

[redacted]BOLITION DECIDED ON

MADRAS, Jan. 9.

The Government, it is understood, [redacted]ve decided to abolish the system commutation of pensions in the [redacted] of all grades of Government [redacted]ants. Orders to that effect are [redacted]cted to issue shortly.

COMMUTATION OF PENSIONS

MADRAS GOVERNMENT ORDER ABOLITION

MADRAS, Jan. 13.

The Government of Madras have passed orders abolishing the system of commutation of pensions.

The Government, after a very careful examination of the question in all its bearings, have reached the conclusion that, in the best interests of their officers, the system of commutation of pensions should be abolished.

The Government have, therefore, resumed the unexpended balance of the provision in the budget for 1938-39 for commutation of pensions in respect of applications under the Madras Civil Pensions (Commutation) Rules 1934 and decided not to include provisions in future budgets for such expenditure.

Applications for commutation of pensions already received and not disposed of, will not be considered, nor will such applications be entertained in the future.

D. M. ರಾವು
ಮರ್ಚೆಂಟ್
ಬಳೇಪೇಟೆ ರೋಡು ಬೆಂಗಳೂರು ಸಿಟಿ

19-1-39.

(21)

16

For perusal
& obliging
return

N. 24/1/39

COMM

A

ha
of
cas
serv
expe

FINANCIAL SECRETARY
28 JAN 1939
GOVT. OF MYSORE

Bangalore,

28th January 1939.

F. 2616
30 JAN. 1939
GENL. & REV. SECTT.

Dear Sir,

I write to acknowledge the receipt of your letter of the 27th instant and the enclosed petition addressed to the Dewan regarding the restoration of the portion of your pension which has been commuted, etc., and have submitted them to the Dewan. I am desired to say in reply that your petition is being referred to the Financial Secretary to Government.

I am to add, that the Dewan is very grateful for the kindly sentiments you have expressed about him.

Yours sincerely,

C. E. NORONHA.

H. T. Gopaliengar, Esq.,
Retd. District Judge,
67 - Third Cross Road,
Shankarapuram,
BASAVANGUDI.
(Bangalore City.)

" COPY. "

Shankaraipuram
4th Feb 39.

Dear Sir,

Adverting to demi official letter no. 5686 of 28th January last from the Private Secretary to the Dewan, which I submitted to you for perusal, telling me that my memorial is referred to you, I submit the following for their information for your Sympathetic consideration.

I believe the commuted sum of Rs 10500 was paid to me in June 1920. Calculating from July 20 upto January 1939 the amount realised by the Govt. from the monthly cut of Rs 77/12 out of my pension is about Rs 17416 - (approximately)

In the circumstances, I submit that the Government may be pleased to shew me some sympathetic consideration and restore the cut from such period as they may deem proper—

I am appealing for justice and equity and have submitted in my memorial the principles on which special consideration may be shown to me as an exceptionally hard case.

I respectfully beg that this letter may be treated as part of my petition in submitting your opinion for the orders of the Hon'ble Court. For which

act of grace I shall be
ever grateful –

Yours sincerely
N. T. Gopalierpar
Asst dist Judge

To

A. N. Raghavachariyar Esq
M.A
Financial secretary
to the Govt
Bangalore

2765

9 FEB. 1938

FINANCIAL SECRETARY GOVT. OF MYSORE 8 FEB.

OFFICE OF THE DEWAN OF MYSORE
Date of receipt 7.2.38
Petn: Regr. No. 2271

Dear Mr. Noronha

I have frequently discussed our case of arrears with my late friend Mr. Sheen Kenchappa and have recently submitted a memorial for the restoration of a cut of Rs 177/12 out of monthly pension. You wrote to me that my petition has been forwarded to the Financial Secretary to the Govt. I am not aware what progress has been made by the Fl. Sec to represent my case for relief to the Revenue Board. Perhaps the usual official cut & dry note of the previous orders passed on my prior applications & the inflexible procedure to be followed on my present application will be submitted for the orders of the Govt.

Neither the financial secretary nor his official have any discretion to be charitable enough to show any special consideration to an unfortunate individual like me - I find on calculation that the Govt have realised out of my pension over Rs 17500 during the last 19 years in satisfaction of the lump sum advance of Rs 10500 paid to me in 1920 June as the commuted amount. Not only have I paid away this colossal sum to the Govt but I have also paid away this latest sum to the Mysore Bank towards my debt, but for the balance due to them, the Bank sold out my two houses worth Rs 40000 for Rs 16667 -

2

I had to live with barely my cut down pension of Rs 229/9-9 all these years and to make both ends meet I accumulated small debts. In order to pay off these liabilities, I accepted the invitation of the ex-ruler of Nabha in 1929 to help him with retrial by all advise I was capable of giving him - I did work for him honestly and in 1930 January he gave me a letter to pay a lump sum of Rs 25000 for all my services if I went to delhi with a senior Lawyer of Hyderabad to represent his case to the G. of I. He advanced Rs 3000 as the 1st instalment in Jan. 35 - He however seems to have sued to recover this amount & has I hear obtained an ex-parte decree in the Indigent Sub court. Thus instead of relief I have courted further trouble from that unconscionable Sardarman -

I have not the least desire to lead this miserable life any longer. But how can I end it so long as God is pleased to punish me for my past sins?

my petty debts are mounting up, and I am suffering Hell during my nights & worries during day - I therefore beg of you to kindly relate to His Excellency how I am entitled to his merciful consideration and to treat my hard case as an exception and grant my prayer for restoration of my full pension from such date as he deems proper after the completion of 15, 16 or 17 years of my retirement. The finances of our State are in such satisfactory condition that the Diwan may grant my prayer without any embarrassment.

Yours sincerely
N. T. Gopalier[illegible]

C. Nowrokha Esq.

Appendix F G—1]

SUBJECT .....

.....

.....

(21

Section S & A

File No. 395-38

Serial No. 2

Diary No. of letter replied to .....

No. Do M. 5540

To

General and Revenue Secretariat

( )

the 193

Dear Sir.

Date of issue 22.2.39

with reference to your representation of the 27th January addressed to the Dewan

Signed by ~~the Commuted~~ I am ~~dire~~ desired to state that your request for restoration of the Commuted portion of your pension ~~is~~ directly contravenes the express provisions of the Scheme of Commutation, and Govt ~~regret~~ regret it is not possible to comply with it.

I am to add that Govt. ~~also~~ do not also see any need for appointing a Committee to investigate into the allied grievances of pensioners whose pensions have been Commuted under the rules at their own request.

List of enclosures.....

Copied by .....

~~Examined by~~.....

1939 1 ~~regarding that the Govt~~ Your ~~petition of~~ ~~the~~ petition has been examined and may be rejected, ~~it~~ that a small committee may be appointed to investigate into the grievances of ~~those~~ pensioners whose pensions ~~have been~~ Commuted, I am desired to state that for the reasons ~~requests~~ cannot be complied with.

Yours truly.

WSRao MR 13.2

AD 24/2/39

Dr to C: Secy: Govt

WD 0278—GPB—30,000—4-3-38

To N. V. Gopalaswamy Esq:
Retd: Dist: Judge,
67 Third Cross Road,
Shankarapuram,
Basavangudi, Bangalore City.

S.R. 390-38

16th February 1939.

GENERAL AND REVENUE SECRETARIAT.

Dated, Bangalore, 22nd July 39.

D. O. No.

Dear Sir,

With reference to your representation dated the 27th January 1939 addressed to the Dewan, I am desired to state that your request for restoration of the commuted portion of your pension directly contravenes the express provisions of the scheme of commutation, and Government regret it is not possible to comply with it. I am to add that Government do not also see any need for appointing a committee to investigate into the alleged grievances of pensioners whose pensions have been commuted under the rules at their own request.

Yours sincerely,

for H. Secy: to Govt:

N.T. GOPALAIENGAR, Esq.,
Retired District Judge,
67, Third Cross Road,
Shankarapuram,
Basavangudi,
BANGALORE.

Sf No 395-38-3

GEN. & REV. SECRETARIAT.
3181
- 9 MAR. 1939.
FINANCIAL BRANCH.

3rd cross Road
Shankarapura
8th March 39.

From
N. T. Gopalierpar
Retd Dist. Judge

To
A. N. Raghavachariyar Esq M.A.
Jt. Secretary to
The Govt of Mysore
Bangalore

Sir,

Adverting to your Jc. no. 5540 Sf No 395-38-(2) of 22nd Feb. last, may I beg of you to furnish me with a copy of the rules and orders relating to the ~~Sys~~ of Scheme of Commutation of Pensions, the provisions of which you are pleased to say directly contravene my prayer for restoration of the commuted portion of my pension. I wish to satisfy myself about the impropriety of my application to the Govt.

Even I am prepared to buy a copy of the rules if they can be had at the Govt sales depot in the Govt Press.

Thanking you,

Yours sincerely,

N. T. Gopalierpar

Appendix F G—1]

SUBJECT.....

.....

.....

Section S & A

File No. 395-38

Serial No. 4.

Diary No. of letter replied to 3181

No. H. 6093

To

N. T. Gopala Iyengar Esqr. B.A., B.L.,
Retired Dt. Sessions Judge
3rd Cross Rd, Shankarpuram, Bangalore City.

General and Revenue Secretariat

( )

the *193* .

Date of issue..... 17-3-39

Dear Sir,

Signed by ..... Mr egR.

With reference to your ~~representation~~ letter dt. 8.3.39 requesting to be furnished with a copy of rules and orders regarding Commutation of pensions, I write to ~~state~~ inform you that the rules in this behalf are contained in Appendix L of the Mysore Service Regulations, copies of which book with amendments are available for sale in the

List of enclosures.....

Copied by .....

Examined by.....

2.

Govt - Central Book Depot.

Bangalore.

Yours Sincerely

~~I have the honour to be~~ Sir

~~Your most obedient~~

Financial Secretary

to Govt.